

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION

GENERAL PROTECHT GROUP, INC., f/k/a
ZHEJIANG DONGZHENG ELECTRICAL,
CO.; G-TECHT GLOBAL CORPORATION;
SECURELECTRIC CORPORATION;
WAREHOUSE-LIGHTING.COM LLC;
CENTRAL PURCHASING, LLC; and
HARBOR FREIGHT TOOLS USA, INC.,

Plaintiffs,

v.

LEVITON MANUFACTURING CO., INC.,

Defendant.

Civ. No. 10-cv-01020-JB-LFG

**DEFENDANT LEVITON MANUFACTURING CO., INC.'S MOTION TO ESTABLISH
SECURITY UNDER RULE 65(c) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Defendant Leviton Manufacturing Co., Inc. (“Leviton”) moves to establish a security under Federal Rule of Civil Procedure 65(c) to cover the “costs and damages” that would be sustained by Leviton should the U.S. Court of Appeals for the Federal Circuit find that Leviton has been wrongfully enjoined. *See* Dkt. Nos. 41 and 52 (establishing a preliminary injunction). The “costs and damages” consist of at least the expenditures required for Leviton to initiate and litigate a second ITC case against Plaintiffs rather than pressing its claims in the pending ITC investigation. Thus, the Court should require Plaintiffs to provide a security in the amount of that potential expenditure, as discussed in the accompanying memorandum.

The grounds for this motion are set forth in the concurrently filed memorandum in support of the motion and the Declarations of Meir Y. Blonder and Shaun R. Snader. A proposed order has been submitted separately to jobproposedtext@nmcourt.fed.us.

Leviton contacted Plaintiffs to determine whether they will oppose this Motion, and Plaintiffs stated that they will oppose.

Dated: January 13, 2011

Respectfully submitted,

/s/ Emil J. Kiehne

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CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2011, I filed the foregoing document electronically through the CM/ECF System, which caused the following counsel for the parties to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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